

AO 120 (Rev.3/04)

TO: <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>SOLICITOR</b> <b>19 2007</b> <b>U.S. PATENT &amp; TRADEMARK OFFICE</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court San Diego on the following Patents or Trademarks:

<b>DOCKET NO.</b> 06cv2699-LAB(BLM)	<b>DATE FILED</b> 12/12/06	<b>U.S. DISTRICT COURT</b> United States District Court, Southern District of California
<b>PLAINTIFF</b> Fujinon Corporation		<b>DEFENDANT</b> LG Electronics USA Inc., et al
<b>PATENT OR TRADEMARK NO.</b>	<b>DATE OF PATENT OR TRADEMARK</b>	<b>HOLDER OF PATENT OR TRADEMARK</b>
1 see complaint attached		see complaint attached
2 6,842,295		
3 6,795,253		
4 6,961,191 <sup>02</sup>		
5 6,650,485		

In the above-entitled case, the following patent(s)/trademark(s) have been included:

<b>DATE INCLUDED</b>	<b>INCLUDED BY</b>			
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
<b>PATENT OR TRADEMARK NO.</b>	<b>DATE OF PATENT OR TRADEMARK</b>	<b>HOLDER OF PATENT OR TRADEMARK</b>		
1				
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In the above-entitled case, the following decision has been rendered or judgment issued:

<b>DECISION/JUDGMENT</b>		
attached		
<b>CLERK</b>	<b>(BY) DEPUTY CLERK</b> <b>A. GARCIA-PINO</b>	<b>DATE</b> 1/10/07

Copy 1 - Upon initiation of action, mail this copy to Director

Copy 2 - Upon filing document adding patent(s), mail this copy to Director

Copy 3 - Upon termination of action, mail this copy to Director

Copy 4 - Case file copy

**COUNT III**

**(Contributory Infringement of the '295, '253, '191 and '485 Patents)**

32. Fujinon realleges the above paragraphs as if fully set forth herein.

33. Upon information and belief, LG has been contributing to infringement of the '295 patent, the '253 patent, the '191 patent and the '485 patent under 35 U.S.C. § 271(c) by selling within the United States components of infringing mobile phones knowing that those components (a) are especially made for use in infringing products, and (b) are not staple articles of commerce suitable for substantial non-infringing uses.

34. By its infringing conduct, LG has made unlawful gains and profits, and Fujinon, due to the same infringing conduct, has been deprived of rights and remunerations that would have otherwise come to Fujinon but for the infringement. LG has thus caused Fujinon irreparable damage and will continue to cause Fujinon additional damages.

**Prayer for Relief**

**WHEREFORE**, plaintiff Fujinon prays this Court for the following relief:

- a) A judgment that LG has infringed, induced others to infringe and/or contributorily infringed one or more claims of the '295, '253, '191 and '485 patents;
- b) A judgment that LG's infringement of the '295, '253, '191 and '485 patents has been, and continues to be, willful and deliberate;
- c) Preliminary and permanent injunctive relief prohibiting LG, its

1 subsidiaries, affiliates, officers, agents, servants, employees, licensees, and all other  
2 persons acting or attempting to act in active concert or participation with them or  
3 acting on their behalf, from infringement, inducement of infringement or  
4 contributory infringement of the '295, '253, '191 and '485 patents;

5  
6 d) A judgment that LG be ordered to account for and pay all damages  
7 caused by reason of LG's infringement pursuant to 35 U.S.C. § 284, including  
8 enhanced damages under 35 U.S.C. § 284 in an amount to be determined by the  
9 Court;

10 e) A judgment that LG be ordered to pay Fujinon's costs, expenses and  
11 reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285;

12  
13 f) An award of pre-judgment and post-judgment interest on the damages  
14 caused to Fujinon by LG's infringement; and

15 g) Such other and further relief as the Court may deem just and proper  
16 under the circumstances.

**Jury Demand**

Plaintiff Fujinon demands a jury trial on all issues so triable.

Dated: December 12, 2006

HOGAN & HARTSON LLP



William H. Wright (Bar No. 161580)  
Robert J. Benson (Bar No. 155971)  
1999 Avenue of the Stars  
Suite 1400  
Los Angeles, CA 90067  
Telephone: (310) 785-4672  
Telecopier: (310) 785-4601  
E-Mail: whwright@hhlaw.com

John R. Inge (Bar No. 236515)  
Hogan & Hartson LLP  
Shinjuku Center Building  
46<sup>th</sup> Floor  
25-1 Nishi-Shinjuku 1-Chome  
Shinjuku-ku Tokyo  
163-0646 Japan  
Telephone: 813 5908-4070  
Telecopier: 813 5908-4071  
E-Mail: jringe@hhlaw.com

Steven J. Routh  
Sten A. Jensen  
555 Thirteenth Street, NW  
Washington, DC 20004  
Telephone: (202) 637-6465  
Telecopier: (202) 637-5910  
E-Mail: sjrouth@hhlaw.com  
sajensen@hhlaw.com

ATTORNEYS FOR PLAINTIFF  
FUJINON CORPORATION

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
10

11 FUJINON CORPORATION,

12 Plaintiff,

13 vs.

14 LG ELECTRONICS U.S.A., INC., LG  
15 ELECTRONICS MOBILECOMM U.S.A.,  
16 INC., LG INNOTEK U.S.A., INC., LG  
ELECTRONICS MOBILE RESEARCH  
U.S.A., L.L.C., LG ELECTRONICS, INC.,  
AND LG INNOTEK CO., LTD.,

17 Defendants.

CASE NO. 06CV2699-LAB (BLM)

**ORDER OF DISMISSAL**


[Dkt. Nos. 19, 20]

18 On December 12, 2006, Plaintiff filed its complaint, alleging patent infringement. On  
19 August 8, 2007, the parties filed a joint motion to dismiss, stating they had entered into a  
20 settlement agreement, and requesting the Court to retain jurisdiction over disputes arising  
21 out of the settlement agreement. On August 15, 2007, the parties filed an amended joint  
22 motion to dismiss, omitting reference to the Court's retention of jurisdiction.

23 Therefore, this action is **DISMISSED**. The Court does not retain jurisdiction to enforce  
24 the settlement agreement. Each party shall bear its own attorney's fees and costs.

25 **IT IS SO ORDERED.**

26 DATED: August 19, 2007

27 

28 **HONORABLE LARRY ALAN BURNS**  
United States District Judge

**FILED**

DEC 12 2006

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *[Signature]* DEPUTY

ORIGINAL

1 William H. Wright (Bar No. 161580)  
2 Robert J. Benson (Bar No. 155971)  
3 Hogan & Hartson LLP  
4 1999 Avenue of the Stars  
5 Suite 1400  
6 Los Angeles, CA 90067  
7 Telephone: (310) 785-4672

8 John R. Inge (Bar No. 236515)  
9 Hogan & Hartson LLP  
10 Shinjuku Center Building  
11 46<sup>th</sup> Floor  
12 25-1 Nishi-Shinjuku 1-Chome  
13 Shinjuku-ku Tokyo  
14 163-0646 Japan

15 Steven J. Routh  
16 Sten A. Jensen  
17 Hogan & Hartson LLP  
18 555 Thirteenth Street, NW  
19 Washington, DC 20004  
20 Telephone: (202) 637-6472

21 ATTORNEYS FOR PLAINTIFF  
22 FUJINON CORPORATION

**VIA FAX**

23 UNITED STATES DISTRICT COURT  
24 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

25 FUJINON CORPORATION,

26 Plaintiff,

27 v.

28 LG ELECTRONICS U.S.A., INC.,  
29 LG ELECTRONICS MOBILECOMM  
30 U.S.A., INC., LG INNOTEK  
31 U.S.A., INC., LG ELECTRONICS  
32 MOBILE RESEARCH U.S.A., L.L.C.,  
33 LG ELECTRONICS INC., AND LG  
34 INNOTEK CO., LTD.,  
35 Defendants.

06 CV 2699 LAB BLM

Civil Action No. \_\_\_\_\_

**COMPLAINT  
JURY TRIAL DEMANDED**

COMPLAINT

Plaintiff Fujinon Corporation (“Fujinon”) brings this action against defendants LG Electronics U.S.A., Inc. (“LG Electronics”), LG Electronics MobileComm U.S.A., Inc. (“LG MobileComm”), LG Innotek U.S.A., Inc. (“LG Innotek”), LG Electronics Mobile Research U.S.A., L.L.C. (“LG Electronics Mobile Research”), LG Electronics, Inc. (“LG Electronics Korea”), and LG Innotek Co., Ltd. (“LG Innotek Korea”) (collectively, “LG” or “defendants”) for patent infringement under the patent laws of the United States, Title 35, United States Code §§ 101 *et seq.* In support of its claims, Fujinon states and alleges as follows:

1. Plaintiff Fujinon is a Japanese corporation with its principal place of business at 1-324 Uetake Kita-ku, Saitama, 331-9624, Japan. Fujinon previously was named Fuji Photo Optical Co., Ltd. Fujinon is engaged in the business of designing, developing and manufacturing high quality optical products, including lenses for digital cameras, camera phones, still cameras, television cameras, copying machines, facsimile machines, and laser printers.

2. Defendant LG Electronics U.S.A., Inc. is a Delaware corporation with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. Upon information and belief, LG Electronics provides sales and marketing support for LG's consumer electronics products, including but not limited to mobile phones. LG Electronics is registered to do business in California.

1           3.       Defendant LG Electronics MobileComm U.S.A., Inc. is a California  
2 corporation with its principal place of business at 10225 Willow Creek Road, San  
3 Diego, California 92131. LG MobileComm manufactures mobile phones and  
4 provides sales and marketing support for the sale of LG mobile phones throughout  
5 North America.  
6

7           4.       Defendant LG Innotek U.S.A., Inc. is a California corporation with its  
8 principal place of business at 10225 Willow Creek Road, San Diego, California  
9 92131. Upon information and belief, LG Innotek supplies component parts,  
10 including camera modules, to other LG entities that perform final assembly of LG  
11 mobile phones. Upon information and belief, the camera modules supplied by LG  
12 Innotek include lenses, an optical detector and other electronics.  
13

14           5.       Defendant LG Electronics Mobile Research U.S.A., L.L.C., is a  
15 California corporation with its principal place of business at 10225 Willow Creek  
16 Road, San Diego, California 92131. Upon information and belief, LG Electronics  
17 Mobile Research carries out research and development activities relating to mobile  
18 telephones.  
19

20           6.       Defendant LG Electronics Inc., is a Korean Corporation with its  
21 principle place of business at LG Twin Towers, 20, Yeouido-dong, Yeongdeungpo-  
22 gu, Seoul, Korea 150-721. LG Electronics Korea manufactures mobile phones and  
23 exports those phones for sale in the United States.  
24

          7.       Defendant LG Innotek Co., Ltd., is a Korean corporation with its

1 principle place of business at LG Twin Towers 33/34F, Yeouido-dong,  
2 Yeongdeungpo-gu, Seoul, Korea. 150-721. Upon information and belief, LG  
3 Innotek Korea supplies component parts, including camera modules, to other LG  
4 entities that perform final assembly of LG mobile phones. Upon information and  
5 belief, the camera modules supplied by LG Innotek Korea include lenses, an optical  
6 detector and other electronics.

7  
8 8. Each of the defendant LG entities is in the business of importing,  
9 manufacturing and/or selling mobile phone products throughout the United States,  
10 including in the State of California. Upon information and belief, LG has solicited  
11 business in the State of California, is doing business in this judicial district, and has  
12 attempted to derive financial benefit from residents of the State of California,  
13 including benefits directly related to the instant cause of action set forth herein. In  
14 addition, defendants LG MobileComm, LG Innotek, and LG Electronics Mobile  
15 Research are residents of this judicial district.

16  
17 **Jurisdiction and Venue**

18  
19 9. This action arises under the Patent Laws of the United States, 35 U.S.C.  
20 § 1 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and  
21 1338.

22 10. LG places its products related to this cause of action into the stream of  
23 commerce throughout the United States, including California, and those products  
24 have been offered for sale and/or sold within this judicial district. In addition, LG

1 manufactures accused products in this judicial district.

2 11. Each of the defendant LG entities is subject to personal jurisdiction in  
3 this judicial district and, upon information and belief, is doing business in this  
4 judicial district. LG sells, offers to sell and has sold its products related to this  
5 cause of action within the State of California.  
6

7 12. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and  
8 1400(b) in that, among other things, the acts of infringement complained of have  
9 been committed in this judicial district and LG MobileComm, LG Innotek and LG  
10 Electronics Mobile Research have regular and established places of business in this  
11 judicial district.  
12

### 13 Statement of the Claim

14 13. On January 11, 2005, United States Letters Patent No. 6,842,295 ("the  
15 '295 patent") entitled "Imaging Lens Formed of Aperture Diaphragm and Only  
16 Two Lens Components" was duly and legally issued to Fuji Photo Optical Co., Ltd.  
17 as assignee of the inventor Hiromitsu Yamakawa. The name change of the assignee  
18 to Fujinon was recorded in the assignment records of the United States Patent and  
19 Trademark Office. A copy of the '295 patent is attached hereto as Exhibit A.  
20

21 14. On September 24, 2004, United States Letters Patent No. 6,795,253  
22 ("the '253 patent") entitled "Imaging Lens" was duly and legally issued to Fuji  
23 Photo Optical Co., Ltd. as assignee of the inventor Yoshikazu Shinohara. The  
24 name change of the assignee to Fujinon was recorded in the assignment records of

1 the United States Patent and Trademark Office. A copy of the '253 patent is  
2 attached hereto as Exhibit B.

3 15. On November 1, 2005, United States Letters Patent No. 6,961,191 B2  
4 ("the '191 patent") entitled "Single Focus Lens" was duly and legally issued to  
5 Fujinon as assignee of the inventor Kenichi Sato. A copy of the '191 patent is  
6 attached hereto as Exhibit C.

7  
8 16. On November 18, 2003, United States Letters Patent No. 6,650,485  
9 ("the '485 patent") entitled "Photographic Lens" was duly and legally issued to Fuji  
10 Photo Optical Co., Ltd. as assignee of the inventor Yoshikazu Shinohara. The  
11 name change of the assignee to Fujinon was recorded in the assignment records of  
12 the United States Patent and Trademark Office. A copy of the '485 patent is  
13 attached hereto as Exhibit D.

14  
15 17. Fujinon has been and is the rightful owner of the '295 patent, the '253  
16 patent, the '191 patent, and the '485 patent.

17 18. The '295 patent, the '253 patent, the '191 patent, and the '485 patent  
18 each relate to an imaging lens.

19  
20 19. Fujinon has become aware of various mobile phone products offered  
21 for sale and sold by LG which include cameras and incorporate the inventions of  
22 the patents-in-suit.

23 20. Specifically, at least the following models of LG's products infringe  
24 one or more claims of the '295 patent: PM225 and G262.

21. In addition, at least the following models of LG's products infringe one or more claims of the '253 patent: L1400i, C2000, CU320, CE500, CG300, VX8300, Fusic (LX550), LX350, AX5000, Chocolate (KG800), KG320 and P7200, KG810 and M6100.

22. In addition, at least the following model of LG's products infringes one or more claims of the '191 patent: MM-535.

23. In addition, at least the following models of LG's products infringe one or more claims of the '485 patent: PM-325, VX6100, and VX7000.

**COUNT I**

**(Direct Infringement of the '295, '253, '191 and '485 Patents)**

24. Fujinon realleges the above paragraphs as if fully set forth herein.

25. LG has been and is infringing the '295 patent, the '253 patent, the '191 patent, and the '485 patent under 35 U.S.C. § 271(a) by making, using, importing, offering for sale, or selling, without license or authority in this district and elsewhere in the United States, infringing mobile phone products, including but not limited to those identified above.

26. LG has had for some time actual knowledge of the '295, '253, '191 and '485 patents and has willfully, deliberately and intentionally infringed the claims of these patents.

27. Unless a preliminary and permanent injunction are issued enjoining LG and its agents, servants, subsidiaries, affiliates, employees, attorneys,

1 representatives, and all others acting on their behalf from infringing the '295, '253,  
2 191 and '485 patents, LG will continue to infringe these patents and Fujinon will be  
3 greatly and irreparably harmed.

4 **COUNT II**

5 **(Inducement to Infringe the '295, '253, 191 and '485 Patents)**

6  
7 28. Fujinon realleges the above paragraphs as if fully set forth herein.

8 29. Upon information and belief, LG has been infringing the '295 patent,  
9 the '253 patent, the '191 patent and the '485 patent under 35 U.S.C. § 271(b) by  
10 inducing others to engage in direct infringement under 35 U.S.C. § 271(a) with a  
11 knowledge and an intent to induce the specific infringing acts and to cause the  
12 infringement.

13  
14 30. Upon information and belief, LG significantly, actively and  
15 intentionally abided, abetted, participated in and was and is a proximate,  
16 contributing and concurring cause of the aforesaid infringement, because, without  
17 limitation, LG imported and/or induced the importation of the infringing products.

18  
19 31. By its infringing conduct, LG has made unlawful gains and profits, and  
20 Fujinon, due to the same infringing conduct, has been deprived of rights and  
21 remunerations that would have otherwise come to Fujinon but for the infringement.  
22 LG has thus caused Fujinon irreparable damage and will continue to cause Fujinon  
23 additional damages.  
24